

105TH CONGRESS
1ST SESSION

H. R. 1909

To provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Mr. CANADY of Florida (for himself, Mr. HYDE, Mrs. ROUKEMA, Mr. CAMPBELL, Mrs. FOWLER, Mr. COX of California, Mr. BOEHNER, Mr. PAXON, Mr. SOLOMON, Mr. GOODLATTE, Mr. HUTCHINSON, Mrs. EMERSON, Mr. WICKER, Mr. BLILEY, Mr. ROGAN, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. SENSENBRENNER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. ISTOOK, Mr. COBLE, Mr. GOSS, Mr. BONO, Mr. HERGER, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. BUNNING, Mr. THUNE, Mr. KING, Mr. PACKARD, Mr. CHRISTENSEN, Mr. CALLAHAN, Mr. RIGGS, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. HILLEARY, Mr. SPENCE, Mr. OXLEY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. SNOWBARGER, Mr. ADERHOLT, Mr. YOUNG of Alaska, Mr. EVERETT, Mr. RILEY, Mr. BRADY, Mrs. CUBIN, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CANNON, Mr. COOK, and Mrs. LINDA SMITH of Washington) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Act of
5 1997”.

6 **SEC. 2. PROHIBITION AGAINST DISCRIMINATION AND**
7 **PREFERENTIAL TREATMENT.**

8 Notwithstanding any other provision of law, neither
9 the Federal Government nor any officer, employee, or
10 agent of the Federal Government shall—

11 (1) intentionally discriminate against, or grant
12 a preference to, any person or group based in whole
13 or in part on race, color, national origin, or sex, in
14 connection with—

15 (A) a Federal contract or subcontract;

16 (B) Federal employment; or

17 (C) any other federally conducted program
18 or activity; or

19 (2) require or encourage a Federal contractor
20 or subcontractor, or the recipient of a license or fi-
21 nancial assistance, to discriminate intentionally
22 against, or grant a preference to, any person or
23 group based in whole or in part on race, color, na-
24 tional origin, or sex, in connection with any Federal

1 contract or subcontract or Federal license or finan-
2 cial assistance.

3 **SEC. 3. AFFIRMATIVE ACTION PERMITTED.**

4 This Act does not prohibit or limit any effort by the
5 Federal Government or any officer, employee, or agent of
6 the Federal Government—

7 (1) to encourage businesses owned by women
8 and minorities to bid for Federal contracts or sub-
9 contracts, to recruit qualified women and minorities
10 into an applicant pool for Federal employment, or to
11 encourage participation by qualified women and mi-
12 norities in any other federally conducted program or
13 activity, if such recruitment or encouragement does
14 not involve granting a preference, based in whole or
15 in part on race, color, national origin, or sex, in se-
16 lecting any person for the relevant employment, con-
17 tract or subcontract, benefit, opportunity, or pro-
18 gram; or

19 (2) to require or encourage any Federal con-
20 tractor, subcontractor, or recipient of a Federal li-
21 cense or Federal financial assistance to recruit quali-
22 fied women and minorities into an applicant pool for
23 employment, or to encourage businesses owned by
24 women and minorities to bid for Federal contracts
25 or subcontracts, if such requirement or encourage-

1 ment does not involve granting a preference, based
2 in whole or in part on race, color, national origin, or
3 sex, in selecting any individual for the relevant em-
4 ployment, contract or subcontract, benefit, oppor-
5 tunity, or program.

6 **SEC. 4. CONSTRUCTION.**

7 (a) HISTORICALLY BLACK COLLEGES AND UNIVER-
8 SITIES.—Nothing in this Act shall be construed to prohibit
9 or limit any act that is designed to benefit an institution
10 that is an historically Black college or university on the
11 basis that the institution is an historically Black college
12 or university.

13 (b) INDIAN TRIBES.—This Act does not prohibit any
14 action taken—

15 (1) pursuant to a law enacted under the con-
16 stitutional powers of Congress relating to the Indian
17 tribes; or

18 (2) under a treaty between an Indian tribe and
19 the United States.

20 (c) CERTAIN SEX-BASED CLASSIFICATIONS.—This
21 Act does not prohibit or limit any classification based on
22 sex if—

23 (1) the classification is applied with respect to
24 employment and the classification would be exempt
25 from the prohibitions of title VII of the Civil Rights

1 Act of 1964 by reason of section 703(e)(1) of such
2 Act (42 U.S.C. 2000e-2(e)(1)); or

3 (2) the classification is applied with respect to
4 a member of the Armed Forces pursuant to statute,
5 direction of the President or Secretary of Defense,
6 or Department of Defense policy.

7 (d) IMMIGRATION AND NATIONALITY LAWS.—This
8 Act does not affect any law governing immigration or na-
9 tionality, or the administration of any such law.

10 **SEC. 5. COMPLIANCE REVIEW OF POLICIES AND REGULA-**
11 **TIONS.**

12 Not later than 1 year after the date of enactment
13 of this Act, the head of each department or agency of the
14 Federal Government, in consultation with the Attorney
15 General, shall review all existing policies and regulations
16 that such department or agency head is charged with ad-
17 ministering, modify such policies and regulations to con-
18 form to the requirements of this Act, and report to the
19 Committee on the Judiciary of the House of Representa-
20 tives and the Committee on the Judiciary of the Senate
21 the results of the review and any modifications to the poli-
22 cies and regulations.

23 **SEC. 6. REMEDIES.**

24 (a) IN GENERAL.—Any person aggrieved by a viola-
25 tion of section 2 may, in a civil action, obtain appropriate

1 relief (which may include back pay). A prevailing plaintiff
 2 in a civil action under this section shall be awarded a rea-
 3 sonable attorney’s fee as part of the costs.

4 (b) CONSTRUCTION.—This section does not affect
 5 any remedy available under any other law.

6 **SEC. 7. EFFECT ON PENDING MATTERS.**

7 (a) PENDING CASES.—This Act does not affect any
 8 case pending on the date of enactment of this Act.

9 (b) PENDING CONTRACTS AND SUBCONTRACTS.—
 10 This Act does not affect any contract or subcontract in
 11 effect on the date of enactment of this Act, including any
 12 option exercised under such contract or subcontract before
 13 or after such date of enactment.

14 **SEC. 8. DEFINITIONS.**

15 In this Act, the following definitions apply:

16 (1) FEDERAL GOVERNMENT.—The term “Fed-
 17 eral Government” means executive and legislative
 18 branches of the Government of the United States.

19 (2) PREFERENCE.—The term “preference”
 20 means an advantage of any kind, and includes a
 21 quota, set-aside, numerical goal, timetable, or other
 22 numerical objective.

23 (3) HISTORICALLY BLACK COLLEGE OR UNI-
 24 VERSITY.—The term “historically Black college or
 25 university” means a part B institution, as defined in

- 1 section 322(2) of the Higher Education Act of 1965
- 2 (20 U.S.C. 1061(2)).

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